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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,017	10/21/2003	James P. Goddard	END920030107US1	4833
26502	7590	11/15/2007		
IBM CORPORATION IPLAW SHCB/40-3 1701 NORTH STREET ENDICOTT, NY 13760			EXAMINER HOANG, DANIEL L.	
			ART UNIT 2136	PAPER NUMBER
			MAIL DATE 11/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/690,017	Applicant(s) GODDARD, JAMES P.	
	Examiner Daniel L. Hoang	Art Unit 2136	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2/02/07, 7/11/07.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3, 7-10, 14, 15, 19 and 25-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 7-10, 14-15, 19, and 25-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

In view of the Appeal Brief filed on 7/10/07, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Response to Arguments

Applicant's arguments with respect to amended claim 1 have been considered but are moot in view of the new ground(s) of rejection. The remaining new and amended claims are addressed below.

CLAIMS PRESENTED

Claims 1, 3, 7-10, 14-15, 19, and 25-37 are presented.

CLAIM REJECTIONS

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 3, 7-10, 14-15, 19, and 25-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goldfeder et al (US PGP No. 20040230835), hereinafter Gold, and further in view of applicants' background information provided in applicants' disclosure, hereinafter background.

As per claim 1, 25, 32:

A computer implemented method for evaluating a security risk of an application, said method comprising the steps of:

determining whether the application is shared by different customers;

determining whether a third party can have unauthorized administrative authority to data maintained by said application;

determining whether a third party can have unauthorized read and/or write access to data maintained by said application;

assigning a numerical value or weight to each of the foregoing determinations, each of said numerical values or weights corresponding to a significance of the respective determination in evaluating security risk; and

combining said numerical values or weights to evaluate security risk.

Gold teaches the following:

Gold teaches a mechanism for collectively evaluating security risks associated with loading an application. Trust evaluators are utilized in order to analyze and assess different risks. Upon completion of each security risk evaluation, results of each are returned to a trust manager responsible for aggregating the variety of security risks and making a security determination based on the aggregated evaluation results (see paragraph 0006). Examiner interprets the security determination taught by Gold to be analogous to the evaluation of security risk claimed by applicants.

Gold mentions possible security risks being the type of environment the application is hosted on (see paragraph 0020), what rights and permissions the constituent components of the application desire (see paragraph 0021), viruses, and privacy concerns (see paragraph 0022). These are only examples of possible risks that are assessed by the trust evaluators. Gold goes on to mention that many other trust evaluators may also be used, as will be apparent to those skilled in the art (see paragraph 0035).

Gold does not explicitly cite the application being shared by different customers, third party access, and unauthorized read and/or write access, as being possible security risks. These security risks are disclosed in applicants' background as prior art (see paragraph 0002). Examiner deems that it would have been obvious to one of ordinary skill in the art to evaluate these security risks and include them in the security determination based on aggregated evaluation results taught above by Gold.

As per claim 3:

A computer implemented method as set forth in claim 1 further comprising the steps of:
determining whether said application is subject to industry controls for security; and assigning a numerical value or weight to the determination whether said application is subject to industry controls for security, and using the numerical value or weight for the determination whether said application is subject to industry controls for security in evaluation security risk.

[see Background, paragraph 0003]

As per claim 7:

A computer implemented method as set forth in claim 1 further comprising the steps of:
determining whether a third party can have unauthorized read and write access to said data; and assigning a numerical value or weight to the determination whether a third party can have unauthorized read and write access to said data, and using the numerical value or weight for the determination whether a third party can have unauthorized read and write access to said data in evaluating said security risk.

[see Background, paragraph 0002, "unauthorized access"]

As per claim 8, 27:

A computer implemented method as set forth in claim 1 further comprising the steps of:
determining whether a vulnerability in said application can be exploited by a person or program which has not been authenticated to said application or a system in which said application runs;
and
assigning a numerical value or weight to the determination whether the vulnerability in said application can be exploited by a person or program which has not been authenticated to said application or a system in which said application runs and using the numerical value or weight for the determination whether a third party can have unauthorized read and write access to said data in evaluating said security risk.

[see Background, paragraph 0002, "computer viruses and worms"]

As per claim 9:

A computer implemented method as set forth in claim 1 further comprising the steps of:
determining whether data maintained by or accessed by said application is confidential; and
wherein the numerical value or weight assigned to the determination whether a third party can
have unauthorized access to said data is based in part on whether said data is confidential.

[see Gold, paragraph 0021, "privacy information"]

As per claim 10, 28, 34:

A method as set forth in claim 1 further comprising the steps of:
determining whether a customer has direct use of said application; and assigning a numerical
value or weight to the determination whether a customer has direct use of said application, and
using the numerical value or weight for the determination whether a customer has direct use of
said application in evaluating said security risk.

[see Gold, paragraph 0021, "...what rights and permissions and the constituent
components of the application desire"]

As per claim 12:

A computer implemented method as set forth in claim 1 further comprising the steps of:
determining whether there is an intrusion detection system and vulnerability scanning for said
application; and assigning a numerical value or weight to the determination whether there is an
intrusion detection system and vulnerability scanning for said application, and using the numerical
value or weight for the determination whether a customer has direct use of said application in
evaluating said security risk.

[see Gold, paragraph 0035, "virus evaluator"]

As per claim 15, 29, 35:

A computer implemented method as set forth in claim 1 further comprising the steps:
determining whether there is a requirement for authentication of said application or a system in which said application runs to other systems before connection of said application or said system in which said application runs to said other systems; and assigning a numerical value or weight to the determination whether there is a requirement for authentication of said application or a system in which said application runs to other systems before connection of said application or said system in which said application runs to said other systems, and using the numerical value or weight for said requirement for authentication in evaluating said security risk.

[see Gold, paragraph 0021, "digital signature"] Examiner interprets reading the digital signature of an application to be equivalent to requiring it to authenticate.

As per claim 19, 30, 36:

A computer implemented method as set forth in claim 1 further comprising the step of comparing the evaluation of said security risk to a cost savings provided by said application, and determining whether to certify said application for use based in part on said comparison.

[see Gold, paragraph 0038-39, "aggregate security impact exceeds some predetermined threshold... sufficient permissions [granted to allow] application to execute."]

As per claim 20, 31, 37:

A computer implemented method as set forth in claim 1 further comprising the step of comparing the evaluation of said security risk to a revenue provided by said application, and determining whether to certify said application for use based in part on said comparison.

[see Gold, paragraph 0038-39, "aggregate security impact exceeds some predetermined threshold... sufficient permissions [granted to allow] application to execute."]

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

* Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulaney Street
Alexandria, VA 22314

* Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Hoang whose telephone number is 571-270-1019. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami can be reached at (571) 272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published

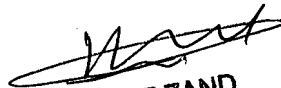
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applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Daniel L. Hoang
11/10/07



KAMBIZ ZAND
SUPERVISORY PATENT EXAMINER